

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Fairfield Sentry Limited (In Liquidation), and Fairfield Sigma Limited (In Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Kryss and Greig Mitchell solely in their capacities as Foreign

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
See Schedule A

DEFENDANTS

See Schedule A

ATTORNEYS (IF KNOWN)
See Schedule A

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a) - Appeal from U.S. Bankruptcy Court Orders (Adv. Pro. No. 10-3635 (CGM))

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned
Broderick

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. 19-cv-3911

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS			ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	28 USC 158	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	REAPPORTIONMENT
<input type="checkbox"/> 150 INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 690 OTHER		<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT			<input type="checkbox"/> 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY	PROPERTY RIGHTS		<input type="checkbox"/> 450 COMMERCE
ENFORCEMENT	LIABILITY		<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 880 DEFEND TRADE SECRETS ACT	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 151 OF JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY	<input type="checkbox"/> 830 PATENT		<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 840 TRADEMARK		ORGANIZATION ACT
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE				(RICO)
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL		SOCIAL SECURITY	<input type="checkbox"/> 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 TELEPHONE CONSUMER
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	PROTECTION ACT
OVERPAYMENT	INJURY	PRODUCT LIABILITY	STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
OF VETERAN'S	<input type="checkbox"/> 362 PERSONAL INJURY -		<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 490 CABLE/SATELLITE TV
BENEFITS	MED MALPRACTICE	PRISONER PETITIONS	RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> 160 STOCKHOLDERS		<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 740 RAILWAY LABOR ACT		COMMODITIES/
SUITS	ACTIONS UNDER STATUTES	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 751 FAMILY MEDICAL	FEDERAL TAX SUITS	EXCHANGE
<input type="checkbox"/> 190 OTHER	CIVIL RIGHTS	VACATE SENTENCE	<input type="checkbox"/> 751 FAMILY MEDICAL	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 890 OTHER STATUTORY
CONTRACT		28 USC 2255	LEAVE ACT (FMLA)	Defendant)	ACTIONS
<input type="checkbox"/> 195 CONTRACT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 891 AGRICULTURAL ACTS
PRODUCT	(Non-Prisoner)	<input type="checkbox"/> 535 DEATH PENALTY	LITIGATION	26 USC 7609	<input type="checkbox"/> 893 ENVIRONMENTAL
LIABILITY		<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 791 EMPL RET INC		MATTERS
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 441 VOTING	PRISONER CIVIL RIGHTS	SECURITY ACT (ERISA)		<input type="checkbox"/> 895 FREEDOM OF
	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	IMMIGRATION		INFORMATION ACT
	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 462 NATURALIZATION		<input type="checkbox"/> 896 ARBITRATION
	ACCOMMODATIONS	<input type="checkbox"/> 560 CIVIL DETAINEE	APPLICATION		<input type="checkbox"/> 899 ADMINISTRATIVE
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 465 OTHER IMMIGRATION		PROCEDURE ACT/REVIEW OR
<input type="checkbox"/> 230 RENT LEASE &	DISABILITIES -		ACTIONS		APPEAL OF AGENCY DECISION
EJECTMENT	EMPLOYMENT				<input type="checkbox"/> 950 CONSTITUTIONALITY OF
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH				STATE STATUTES
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES -OTHER				
LIABILITY	<input type="checkbox"/> 448 EDUCATION				
<input type="checkbox"/> 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Hon. Vernon S. Broderick DOCKET NUMBER 19-cv-3911

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

See Schedule A

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See Schedule A

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 03/30/2021

Ari Mackinnon
SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 12 Yr. 2009)
 Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Schedule A

Plaintiffs-Appellees	Attorneys to Plaintiffs-Appellees	Address(es) and County(ies) of Plaintiffs-Appellees
Fairfield Sentry Limited (In Liquidation), and Fairfield Sigma Limited (In Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell solely in their capacities as Foreign Representatives and Liquidators thereof	David Elsberg Andrew R. Dunlap Lena Konanova Jordan Garman Ronald Krock Evan Bianchi Selendy & Gay PLLC 1290 Avenue of the Americas New York, NY 10104 212-390-9000 David J. Molton Marek P. Krzyzowski Brown Rudnick LLP Seven Times Square, New York, New York 10036 212-209-4800	KRyS Global Commerce House, 2nd Floor 181 Main Street, Road Town PO Box 930, Tortola, VG1110 British Virgin Islands

Defendants-Appellants	Attorneys to Defendants-Appellants	Address(es) and County(ies) of Defendants-Appellants
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<p>The party sued here as “HSBC”¹</p>	<p>Nowell D. Bamberger Cleary Gottlieb Steen & Hamilton LLP 2112 Pennsylvania Avenue, NW Washington, DC 20037 Telephone: (202) 974-1500 Facsimile: (202) 974 1999 E-mail: nbamberger@cgsh.com</p> <p>Joseph M. Kay Christine M. Jordan One Liberty Plaza New York, NY 10006 Telephone: (212) 225-2000 Facsimile: (212) 225-3999 Email: jkay@cgsh.com Email: cjordan@cgsh.com</p>	<p>“HSBC” c/o Nowell D. Bamberger 2112 Pennsylvania Avenue, NW Washington, DC 20037</p>
<p>Unifortune Conservative Side Pocket (not a juridical entity)</p>	<p>Richard Levin Carl Wedoff Jenner & Block LLP 919 Third Avenue New York NY 10022 Tel: (212) 891-1600 Fax: (212) 891-1699 rlevin@jenner.com cwedoff@jenner.com</p>	<p>Unifortune Conservative Side Pocket (not a juridical entity) c/o Richard Levin Jenner & Block LLP 919 Third Avenue New York NY 10022</p>
<p>Clariden Leu Ltd. and Credit Suisse AG Zurich</p>	<p>William J. Sushon Daniel S. Shamah O’Melveny & Myers LLP Times Square Tower 7 Times Square New York, NY 10036-6524 (212) 326-2000 (212) 326-2061 (fax) Email: wsushon@omm.com Email: dshamah@omm.com</p>	<p>Clariden Leu Ltd. and Credit Suisse AG Zurich c/o William J. Sushon O’Melveny & Myers LLP Times Square Tower 7 Times Square New York, NY 10036-6524</p>
<p>Quasar Fund SPC Class A and Class B CGCNV (sued as Quasarfun SPC)</p>	<p>Norris D. Wolff Kleinberg Kaplan Wolff & Cohen, P.C. 500 Fifth Avenue, 38th Floor New York, New York 10110</p>	<p>Quasar Fund SPC Class A and Class B CGCNV (sued as Quasarfun SPC) c/o Norris D. Wolff</p>

¹ It has been asserted that “HSBC” is a nonexistent entity, and there is no concession to the contrary by submitting this filing.

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